

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MUTAHER SAEED AL-MASHWALI, et al.,	:	
Plaintiffs,	:	
	:	23 Civ. 7967 (LGS)
-against-	:	
	:	<u>ORDER</u>
U.S. CITIZENSHIP AND IMMIGRATION	:	
SERVICES, et al.,	:	
	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on September 14, 2023, the Complaint was filed, challenging the decision of U.S. Citizenship and Immigration Services to deny the Petitions for Alien Relative (“Form I-130”) that Plaintiff Mutaher Saeed Al-Mashwali had submitted on behalf of the remaining named Plaintiffs;

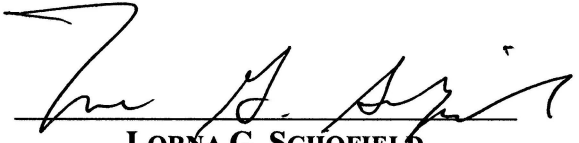
WHEREAS, Plaintiffs request extra-record discovery because the Complaint brings claims under the Fifth Amendment of the U.S. Constitution as well as the Administrative Procedure Act and other statutes. It is hereby

ORDERED that Plaintiffs’ request for extra-record discovery is **DENIED** without prejudice. Plaintiffs’ challenge seems to center primarily around the Form I-130 denials, with what appears to be substantial overlap between the constitutional claims and the APA claim. *See Nat’l Audubon Soc. v. Hoffman*, 132 F.3d 7, 14 (2d Cir. 1997) (“Generally, a court reviewing an agency decision is confined to the administrative record compiled by that agency when it made the decision.”); *Almaklani v. Trump*, 444 F. Supp. 3d 425, 431-34 (E.D.N.Y. 2020). Moreover, the administrative record has not yet been produced, so Plaintiffs merely speculate about the insufficiency of the record at this point. *See Chiayu Chang v. United States Citizenship & Immigr. Servs.*, 254 F. Supp. 3d 160, 163 (D.D.C. 2017). It is further

ORDERED that by **January 4, 2024**, the Government shall file the certified administrative record, which shall include a table of contents. By **January 4, 2024**, the Government shall email Schofield_NYSDChambers@nysd.uscourts.gov requesting an upload link for the administrative record. It is further

ORDERED that by **January 26, 2024**, the Government shall file its motion for summary judgment, with a memorandum of law not to exceed 25 pages. By **February 16, 2024**, Plaintiffs shall file their opposition and cross-motion for summary judgment, not to exceed 40 pages. By **March 8, 2024**, the Government shall file its reply and opposition to Plaintiffs' cross-motion for summary judgment, not to exceed 25 pages. By **March 20, 2024**, Plaintiffs shall file their reply in support of their cross-motion, not to exceed 10 pages. Notwithstanding the aforementioned page allocation, the parties may reallocate the page numbers as they deem appropriate, so long as neither party exceeds 50 pages of briefing in total. The parties shall otherwise comply with the Court's Individual Rules in filing their motions and supporting papers.

Dated: December 6, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE